

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED

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CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY AD CLERK

JOHN DOE,

Plaintiff,

-vs-

Case No. A-17-CA-732-SS

UNIVERSITY OF TEXAS AT AUSTIN and DR.
GREGORY FENVES individually and in his
official capacity,

Defendants.

ORDER

BE IT REMEMBERED on the 11th day of August 2017, the Court held a hearing in the above-styled cause, and the parties appeared in person or through counsel. In confirmation of its oral pronouncement at the hearing, the Court now enters the following:

IT IS ORDERED that Plaintiff's Motion to Proceed under a Pseudonym [#2] is GRANTED;

IT IS FURTHER ORDERED that Plaintiff's Unopposed Motion for Leave to File Exhibits Under Seal [#12], Plaintiff's Second Motion for Leave to File Exhibits Under Seal [#14], and Defendants' Unopposed Motion for Leave to File Sealed Documents [#17] are GRANTED; and

IT IS FINALLY ORDERED that Plaintiff's Motion for a Preliminary Injunction [#5] is DENIED. Although Plaintiff was notified on approximately April 12, 2017, of Defendant Gregory Fenves's decision to suspend him from the University of Texas at Austin for five semesters, Plaintiff waited until this week—immediately before the start of the

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University of Texas's fall semester—to file his motion for preliminary injunction. The Court has just completed the first week of an extensive and complicated criminal trial expected to last at least three weeks, if not longer, and has a heavy criminal docket set for the remainder of August. From the pleadings, voluminous exhibits, and representations of the parties at the hearing, the Court finds there are substantial fact issues in this case, suggesting Plaintiff cannot establish a substantial likelihood of success to support a temporary restraining order or a preliminary injunction. Due to the lateness of the filing of this case and Plaintiff's motion for preliminary injunctive relief, the Court has no opportunity to conduct a full preliminary injunction hearing to consider all the evidence in the immediate future.

SIGNED this the 11th day of August 2017.



SAM SPARKS
UNITED STATES DISTRICT JUDGE